

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDWARD ALLAN PATERSON,

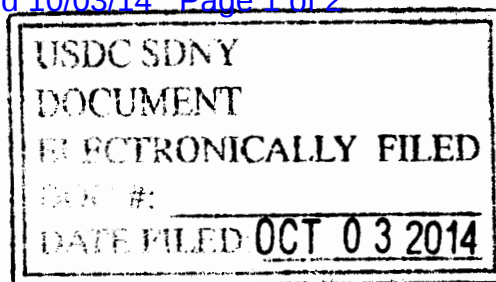
Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 12CV3020-LTS-JLC



ORDER ADOPTING REPORT AND RECOMMENDATION

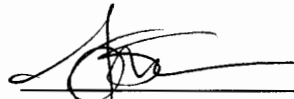
Edward Paterson ("Plaintiff"), brings this action, pursuant to Section 205(g) of the Social Security Act (the "Act"), 42 U.S.C. section 405(g), seeking judicial review of the final determination of the Commissioner of Social Security (the "Commissioner") denying his application for disability insurance benefits ("DIB"). The parties have cross-moved for judgment on the pleadings pursuant to Rule 12(c) of the of the Federal Rules of Civil Procedure. Before the Court is the Report and Recommendation (the "Report") of Magistrate Judge James L. Cott, recommending that Plaintiff's motion be granted and the Commissioner's motion be denied. No objections to the Report have been filed.

When reviewing a report and recommendation, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis 2012). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted)).

Having reviewed Magistrate Judge Cott's thorough and well-reasoned Report, to which no objection was made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, the Court grants Plaintiff's motion and denies the Commissioner's motion. This case is remanded to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g), for further proceedings consistent with the Report and this Order. The Clerk of Court is respectfully requested to enter judgment and close this case. This Order resolves docket entry nos. 15 and 23.

SO ORDERED.

Dated: New York, New York
October 3, 2014



LAURA TAYLOR SWAIN
United States District Judge